

REMARKS

In a preliminary matter, amendments have been made throughout the specification to rectify apparent grammatical or orthographic errors. These amendments are purely formal and unrelated to patentability. Accordingly, they neither change the scope of the claims nor add any new matter to the application. The number of amendments to the specification may render it difficult to consider, however. Consequently, a substitute specification is submitted herewith. It is respectfully requested that this substitute specification be entered into the application under the provisions of 37 C.F.R. § 1.125.

Moreover, it is believed that the amendments in the substitute specification are sufficient to overcome the objection set forth in the Official Action of June 5, 2008. Therefore, it is further respectfully requested that this objection be withdrawn upon reconsideration.

In a second preliminary matter, claim 1 is amended herein to specify that the weight proportion of the aromatic dicarboxylic acids in polyester (d) is from 0 to 70 parts by weight per hundred parts of the polyester. A basis for this amendment may be found in the specification on page 13 at lines 5 to 10, for example. Claim 1 is further amended to specify that the molding composition is compost degradable. Support for this amendment may be found in the Examples of the invention, e.g., and particularly in Table 1. Accordingly, it is believed that no new matter is introduced into the application by these amendments. In this connection, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn upon reconsideration in light of the amendments to claim 1 presented herein.

Furthermore, claim 2 is amended herein to remove the clause comprising the term "such as." Should any basis be required for the word "inorganic" in claim 2, Applicants point to the clean substitute specification on page 16 at lines 1 to 4. Claim 4 is amended herein to rectify an apparent typographical error. Claim 5 is amended to remove an impermissible multiple dependency. New claims 7 to 9 correspond to the subject matter eliminated from claim 5 by its amendment herein. These amendments are purely formal and unrelated to patentability. Accordingly, it is

believed that the scope of the claims is unchanged and that no new matter is introduced into the application by these amendments.

Finally, claim 6 is cancelled herein without prejudice to the reintroduction of its subject matter later in the prosecution or in a continuing application.

Turning now to substantive matters, the Official Action issued on June 25, 2008, has rejected claims 1, 2, 3, 5, and 6 under 35 U.S.C. § 102 as anticipated by and under 103 as obvious over U.S. Patent No. 5,969,009, issued to Terada et al. (hereinafter "Terada"). These are the sole substantive reasons set forth in the Official Action why the present application should not be allowed. Applicants respectfully traverse these rejections for the following reasons.

Terada describes thermosetting compositions. See, for example, the Abstract of Terada. In contrast, Applicants' claimed invention is an injection molded product made from a thermoplastic molding composition. The specification is replete with evidence that the molding composition featured in claim 1 is thermoplastic. See, for example, the clean copy of the substitute specification on page 17 at lines 6 to 8, where the melting point of the molding composition is described. See also pages 21 to 22 and the Examples of the invention, where it is shown that the molding composition is first formed into pellets, which are then re-melted and injection molded. Thermoset materials, in stark contrast, do not melt. Rather, they decompose.

Also, the compositions described by Terada are not biodegradable. In fact, the terms "biodegradable" and "compostable" do not even appear in the text of Terada. Newly amended claim 1, however, specifically recites that the molding composition is compost degradable.

Plainly, Terada does not identically set forth the invention of claim 1, as amended herein. Nor does Terada provide any rationale, teaching or suggestion that would lead one of ordinary skill in the art to Applicants' claimed invention.

Consequently, Applicants respectfully request that the rejection of newly amended claim 1 under 35 U.S.C. §§ 102 and 103 be withdrawn upon reconsideration.

Finally, the rejections of claim 6 are rendered moot by its cancellation without prejudice herein. Claims 2, 3 and 5 depend, directly or indirectly, from independent claim 1. It follows by statute that these claims are also not anticipated and not obvious, for at least the reasons set forth above with respect to newly amended independent claim 1. Accordingly, it is further respectfully requested that the rejections of claims 2, 3 and 5 under 35 U.S.C. §§ 102 and 103 also be withdrawn upon reconsideration.

**Conclusion**

Should any fee be required in connection with the present response, the Examiner is authorized to charge such fee, or to render any credit, to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the foregoing amendments and remarks, it is believed that all claims are in condition for allowance, and such action is earnestly solicited. In closing, the Examiner is invited to contact the undersigned by telephone at (302) 892-1004 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



MARIA M. KOURTAKIS  
ATTORNEY FOR APPLICANTS  
Kelly Law Registry on behalf of DuPont Legal  
Registration No. 41,126  
Telephone: (302) 892-1004  
Facsimile: (302) 992-3257

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